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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/261,030 | 03/02/1999 | CHRISTOPHER JOEL NACK | RA9-98-072 | 7234 |

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EXAMINER

CUFF, MICHAEL A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2167

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/261,030

Applicant(s)
Nack

Examiner
Michael Cuff

Art Unit
2167



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 21, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/14/01 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swinamer et al. in view of Business Wire, p06160247, dated June 16, 1998.

Swinamer et al. shows all of the limitations of the claims except for specifying the use of a wireless management device/PDA including displaying information and sending information to and from the PDA and the POS via a central controller also using wireless modems.

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Swinamer et al. shows, figure 1, a hardwired method of communicating (sending) request for management decisions (override details), including price information, credit clearance (monetary pick-up, approval), security alerts (lock up of POS) and other incidents requiring the manager's attention. This is done for a plurality of POS terminals. The manager is at the master station (central controller system) and can determine through verbal communication the satisfactoriness or unsatisfactoriness level of the POS terminal and has the ability to fix problems to ensure satisfactoriness.

Business Wire, p06160247, dated June 16, 1998 teaches that on the Retail Systems '98 conference in New Orleans where 3Com demonstrated its popular PalmPilot (TM) (wireless management device which receives, displays, and sends information wirelessly through a central controller such as a WAN.) connected organizer at Retail Systems '98. The Palm computing platform is an open software architecture for handheld computing that provides an ideal basis for third-party developers to create innovative mobile computing solutions. During Retail Systems '98 using the PathBuilder (TM) line of a WAN, 3com showed new on-line applications to the store supporting functions like human resources, decision support, special orders, and customer delivery all in order to improve information flow to better serve customers.

Based on the teaching of the above Business Wire article, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Swinamer system to incorporate the PalmPilots and WAN of 3com in order to improve information flow to better serve customers.

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Response to Arguments

Applicant asserts that there is no teaching that a PalmPilot can be used with a WAN in a retail environment. The examiner does not concur. The article teaches on-line applications for the WAN in a retail environment and teaches that the PalmPilot is connected on-line for the demanding store environment.

Applicant asserts that there is no motivation to modify the Swinamer system to incorporate a PalmPilot system. The examiner does not concur. The examiner does not concur and has provided motivation in the rejection. Further motivation could also be the use of non-verbal communication between employee and manager in front of a customer.

Conclusion

4. Any inquiry concerning this communication should be directed to Michael Cuff at telephone number (703) 308-0610.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900. The fax phone number for this Group is (703) 308-6306.

Michael Cuff 3/25/02
Michael Cuff
March 25, 2002